

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date:

amended 11-7-68
~~8-26-68~~

D. C. Form No. 106A Rev.

9

TITLE OF CASE

ATTORNEYS

George P. Shultz
 W.-Willard-Wirtz, Secretary of Labor,
 United States Department of Labor

vs

Bearden Company, a corporation, and
 Brooks Bearden, individually and
 President of Bearden Company,
 jointly and severally

For plaintiff:

Charles Donahue, Solicitor
 M.J. Parmenter, Reg. Atty.
 Truett E. Bean, Attorney
 U. S. Department of Labor
 Room 316, 411 North Akard
 Dallas, Texas 75201

For defendant:

John M. Freese
 Robert H. Tips
 604 National Bank of Tulsa Bldg.
 Tulsa, Oklahoma 74103

STATISTICAL RECORD

COSTS

DATE

NAME OR
RECEIPT NO.

REC.

DISB.

J.S. 5 mailed *8-1-68*

Clerk

J.S. 6 mailed *5-1-70*

Marshal

Basis of Action: Violation

Docket fee

Fair Labor Standards
Act of 1968

Witness fees

Action arose at:

Depositions

DATE	PROCEEDINGS	Date Order or Judgment Noted
7-19-68	Complaint filed. summons issued. h	
7-23-68	Return on service of summons filed. Executed by serving the Bearden Co., a corp., by serving Brooks Bearden as pres. of said company, and served Brooks Bearden individually personally at Tulsa, Oklahoma on 7-22-68. (USM\$6.72)h	
8-12-68	It is hereby ordered by the court that the defendant be granted until Aug. 23, 1968 to plead or answer. (AEB-J) js	
8-16-68	Motion of Defendants For Extension of Time To File Answer, Filed and Order granted to and through the 26th of August 1968. (MME-C) js.	
8-26-68	Answer, filed by Bearden Company defendant. js	
8-26-68	Motion to Dismiss, by Bearden Co. Fail to state a Claim, Improper Venue & Lack of Jurisdiction under Rule 12(b). js	
8-26-68	Brief in Support of Defendants Motion to Dismiss of Bearden Co. js	
8-26-68	Request for Trial by Jury, Bearden Co. filed, js.	
8-26-68	Answer, filed by defendant Brooks Bearden. js	
8-26-68	Motion to Dismiss, by defendant Brooks Bearden filed, of fail to state a claim or improper venue & Lack of Jurisdiction under Rule 12(b) js.	
8-26-68	Brief in Support of Defendants Motion to Dismiss, filed. js	
8-26-68	Request for Trial By Jury, filed by defendnats Brooks Bearden. js	
9-12-68	Motion to strike defendants' demand for trial by jury, filed. w	
9-12-68	Plaintiff's statement and brief in support of motion to strike jury demand and in opposition to the motion of defendant, Brooks Bearden, to dismiss, filed. w	
9-12-68	Plaintiff's requests for admissions, filed. w	
9-12-68	Plaintiff's interrogatories, filed. w	
11-7-68	Order overruling demand for jury trial, filed. (AEB-J)m	
1-10-69	Application of defendant, Joel Green, to vacate entry of default and for permission to answer interrogatories, filed. ds	
5-12-69	Order Overruling Motions to Dismiss filed. (AEB-J)h It is ordered that the separate motions to Dismissed filed by defendants are overruled, and further ordered that defendants file their answers in this cause within 15 days of this date.	
6-11-69	Order of Substitution filed. (AEB-J)h (George P. Schultz, Secy of Labor)	
8-22-69	Ordered that parties file pre-trial order on or before 9-29-69. (AEB-J)m	
9-29-69	Proposed pretrial order of plaintiff, filed. ds	
9-29-69	Application of defendants for extension of time within which to comply with pre-trial order and order granting extension of time to file pre-trial order to and through 10-14-69, filed. (AEB-J)m	
10-9-69	Motion for Order Requiring Defendants to Answer Plaintiff's Interrogatory No. IV filed. h	
10-9-69	Plaintiff's Statement in Support of Motion to Require Answer to Interrogatory No. IV filed. h	
10-13-69	Order striking xxxxxxxxxx filed xxxxxx (AEB-J)	
10-13-69	Motion of defendants for extension of time to answer interrogatories and reply to demand for admissions, filed. ds	
10-13-69	Order, extending time to 10-13-69 to file answers to plaintiff's interrogatories, filed. ds (AEB-J) ds	
10-13-69	Answer of defendants to plaintiff's interrogatories, filed. ds	
10-13-69	Response to plaintiff's request for admissions, filed. ds	
10-20-69	Proposed pre-trial order of defendant, filed. e	
12-11-69	Order filed that the motion for order requiring defendants to answer Plaintiff's interrogatory No 4 is sustained and further that defendants answer said interrogatory within 15 days from this date. (AEB-J)h	
12-18-69	Case set for non-jury trial Monday 1-12-70 at 10:00 a.m. (AEB-J)m	
1-7-70	Motion of plaintiff to strike defendant's answer and for judgment by default under Rule 37d FRCP, filed. e	
1-7-70	Plaintiff's statement in support of motion to strike answer and for judgment by default, filed. e	

*Copies
mailed
attys*

DATE	PROCEEDINGS	Date Order or Judgment Noted
1-8-70	Application for permission to file additional answers of defendants to plaintiff's interrogatories out of time, filed. e	
1-8-70	Order granting leave to file additional answers to plaintiff's interrogatories, filed. (AEB-J) e	
1-8-70	Supplemental answers of defendants to plaintiff's interrogatories, filed. e	
1-8-70	Order, filed (AEB-J) overruled Motion to Strike Deft. Answer and Judgment,. js <i>mailed to atty.</i>	
1-9-70	Plaintiff's subpoenas returned and filed: Served Earl R. Muxlow, Joseph E. Bennett, Walter Edwards, Geoerge Gibson, Nolen Sexton, William Weatherl, Mackie R. Coates, and Brooks Bearden. (Fee \$25.60) e	
1-12-70	Case called for N/J trial. Parties announce ready, and case passed to Tuesday, 1-13-70 at 10:00 A.M. (AEB-J)h	
1-13-70	Subpoenae, returned & filed: served James R. Pigg at Sperry, Okla., on 1-11-70; Willie Earl Freeman, James R. Leonard, at Tulsa, Okla. on 1-12-70; Rufus Morgan, Ronnie Kepfer and Dave Hair returned unserved - not found in this District. (USM \$10.20)g	
1-14-70	Return on subpoenas, filed. Served Matthews Allen, Robert Garber, Jimmy Lampore, David Reed and Clay D. Garing all at Tulsa, Oklahoma, on 1-14-70. \$12.40 ds	
1-13-70	Parties present and defendant's request for continuance granted and case passed for N/J trial on Wed. 1-21-70 at 10:00 A.M. (AEB-J)h	
1-16-70	Subpoenae, returned & filed: served John E. O'Rourke at Bixby, Okla., on 1-14-70, and Ruth Daniels at Bixby, Okla. on 1-15-70. (USM \$10.28)g	
1-21-70	Case tried to the court 1-21-70 and 1-22-70, and parties announce settlement on 1-23-70. Defendant to prepare proper order. (AEB-J)h	
1-21-70	Defendant's application to amend answers signed, approved and filed in open court. (AEB-J)h	
1-21-70	Amendment to Answers of Defendant Bearden Co. filed in open court.	
1-21-70	Amendment to Answers for defendant Brooks Bearden filed in open court.	
4-21-70	Judgment, filed and entered, that action is dismissed as to deft. Brooks Bearden individually; that there is a permanent injunction against Bearden Company; that deft. to keep records; that deft. has tendered \$6900 to the pltf; that pltf. to recover 1/2 of its costs; and deft. shall disburse sums as listed on Ex. A attached hereto. (AEB-J)m (copies mailed)	
4-30-70	Bill of costs in the amt. of \$1,225.60, filed. Taxing set for Monday, 5-11-70 at 9:30 a.m. m	

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